

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 69865

William N. Cornias
Calliopi Cornias
803 Tolna Street
Baltimore, MD 21234

7934 Gough Street

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on November 10, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-5-302 (a)(1), failure to store waste in approved containers; section 13-7-309, 310; 13-4-201 (b)(d), failure to obtain/maintain/use approved waste cans in good condition with tight fitting lids; section 13-7-305, 306, 307; 35-5-302 (a)(3), 208 (a)(c), failure to maintain premises in a rat free condition and to eliminate all rat harborages on residential property zoned DR 10.5 known as 7934 Gough Street, 21224.

On October 21, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Robert Moorefield issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,500.00 (one thousand five hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. Photographs in the file show large rat holes on Respondents' investment property. The property owner has not responded to the County's notices and there is no evidence that Respondents have taken appropriate action, as required by County law, to exterminate rats or to close the rat burrows.

B. Respondents must treat the infestation until it is abated. County Code Section 13-7-305. Respondents must remove or abate all rat harborage. County Code Section 13-7-306. Periodic inspections should continue until the rat infestation is fully abated, holes and burrows are closed, and all rat harborage is removed.

C. Under County law, Respondents have 5 days to comply with a County notice for rat eradication and has 15 days to comply with a notice for elimination of rat harborage or for rat-proofing. This Citation was issued on October 21, 2009, with no prior Correction Notice. This Citation will therefore not be enforced for these code violations. However, having received written notice from the County, Respondents are now subject to Citation with possible civil penalty if the violations have not been corrected.

D. The Citation also charges Respondents with failure to store waste in waterproof cans with tight lids. County Code Section 13-7-309, 310. Under adopted criteria, the Department can issue an immediate citation for this violation. Photographs in the file taken October 19, 2009 show open garbage cans, with bagged garbage visible. Photographs taken November 5, 2009 show cans without lids, and holes in the sides of two cans with lids. This violates prohibitions against the accumulation of junk, trash and debris on residential property, requirements for proper storage of garbage, and prohibitions against creation of possible harborage for rats.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected, with all garbage properly stored in cans with tight fitting lids, by December 10, 2009.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 23rd day of November 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer